

**Notice of Allowability**

Application No.

10/686,327

Examiner

Stephen M. D'Agosta

Applicant(s)

ROY ET AL.

Art Unit

2683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12-27-04.
2. ☒ The allowed claim(s) is/are 1,3-11,13-15 and 17.
3. ☒ The drawings filed on 14 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Arguments***

The applicant's amendment filed 12-27-04 overcomes the examiner's prior art rejection. Hence **claims 1, 3-11, 13-15, 17 allowed**. The examiner's objection is overcome by the amendment as well.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

1. As pointed out by the examiner, claim 2 was objected to since its combination with claim 1 would provide a highly specific design which was not found in the prior art of record and is therefore allowable in the examiner's opinion. The applicant has chose to amend per the examiner's recommendations. As seen in the claim, Hayata and Kronestedt do not teach letter's "e" thru "h":

1. In a wireless communication system, a method of reusing common physical channel (CPCH) timeslots to transmit dedicated physical channel (DPCH) signals, the method comprising:

- (a) tagging each CPCH timeslot as being aggressive or non-aggressive;
- (b) limiting the power level for transmittidg DPCH signals over the CPCH timeslots to a maximum power level;
- (c) if the number of CPCH timeslots is not greater than one, tagging the CPCH timeslots as being non-aggressive; nnd
- (d) if the number of CPCH timeslots is greater than one, tagging for each cell the CPCH timeslots to be reused to transmit DPCH signals as being aggressive, and tagging all others of the CPCH timeslots as being non-aggressive:

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(e) increasing by a predetermined amount the power of a DPCH signal transmitted for each CPCH timeslot that is tagged as being non-aggressive and the power is below a predetermined maximum power level:

(f) monitoring the metrics associated with the plurality of the CPCH timeslot: and

(g) for each angular section of each cell associated-with a degradation of C-PCH quality

(h) determining the respective neighboring cells

(ii) reducing the maximum power level for the CPCH timeslots in the neighboring cells associated with the

(iii) tagging the neighboring cells as being aggressive for the CPCH timeslots associated with the degradation of CPCH quality.

2. The other independent claims recite similar operations/functions and are allowable as well.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
3-1-05

A handwritten signature in black ink, appearing to be 'SDA', located below the printed name and title.